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PPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/911,195		07/23/2001	Kathleen C.M. Campbell	SIU 7396	2942
321	7590	07/15/2003			
		RS LEAVITT AN	EXAMINER		
ONE METR		AN SQUARE	GOLDBERG, JEROME D		
ST LOUIS,	MO 631		•	ART UNIT PAPER NUMBER	
				1614	6
				DATE MAILED: 07/15/2003	7

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application N .	Applicant(s)					
<b>,</b>	•	09/911,195	CAMPBELL, KATHLEEN C.M.					
	Office Action Summary	Examiner	Art Unit					
		Jerome D Goldberg	1614					
The MAILING DATE of this c mmunication appears n the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status 1)⊠	Responsive to communication(s) filed on <u>17 A</u>	pril 2003 .						
•	<u> </u>	s action is non-final.						
/	<i>/</i>							
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. <b>Disposition of Claims</b>								
4)⊠ C	4)⊠ Claim(s) <u>1 and 3-41</u> is/are pending in the application.							
4:	4a) Of the above claim(s) is/are withdrawn from consideration.							
5) 🗌 C	Claim(s) is/are allowed.							
6)⊠ C	)⊠ Claim(s) <u>1 and 3-41</u> is/are rejected.							
7) 🗌 C	Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or election requirement.  Application Papers								
9) The specification is objected to by the Examiner.								
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.								
If approved, corrected drawings are required in reply to this Office action.								
12) The oath or declaration is objected to by the Examiner.								
Priority under 35 U.S.C. §§ 119 and 120								
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a) ☐ All b) ☐ Some * c) ☐ None of:								
1	. Certified copies of the priority documents	s have been received.						
2	2. Certified copies of the priority documents have been received in Application No							
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>								
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).								
a) ☐ The translation of the foreign language provisional application has been received.  15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.								
Attachment(s)								
2) Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal F	r (PTO-413) Paper No(s) Patent Application (PTO-152)					

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 3-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over the Campbell et al. reference of record for the reasons fully set forth in paper no. 7, pages 2 and 3. Applicant's remarks are noted. Applicant states that the Campbell et al. reference does not contain ototoxicity caused by exposure to noise. This is not correct since the reference contains "toneburst stimuli" and the instant claims are directed to "preventing" the condition. With regard to the "cisplatin", the instant claims are directed to "comprising" which would include other active ingredients.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner J. D. Goldberg whose telephone number is (703) 308-4606. The examiner can normally be reached on Monday throughThursday from 9:00 A.M - 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel can be reached on (703) 308-4725. The fax phone numbers for this Group are (703) 308-4556 or 305-3592.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Goldberg/tgd June 30, 2003

JEROWE D. GOLDBERG PRIMARY EXAMINER